UNITED NATIONS

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Economic and Social Council

Distr.
LIMITED

E/CN.6/1997/WG/L.3/Add.1
19 March 1997
ENGLISH
ORIGINAL: ENGLISH AND FRENCH

COMMISSION ON THE STATUS OF WOMEN
Forty-first session
Open-ended Working Group on the
Elaboration of a Draft Optional
Protocol to the Convention on the
Elimination of All Forms of
Discrimination against Women
10-21 March 1997
Agenda item 5

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, INCLUDING THE ELABORATION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION

Revised draft optional protocol submitted by the Chairperson on the basis of the compilation text contained in document E/CN.6/1997/WG/L.1 and proposals made at the forty-first session of the Commission (Part II)

Addendum

Article 10

[1. If the Committee receives reliable information indicating a serious [and] [or] systematic violation by a State Party to the Protocol of rights set forth in the Convention or of a failure to give effect to obligations set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.

2. Taking into account any observations which may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry [with the consent of the State Party] and to report urgently to the Committee. [[Where warranted and] in agreement with the State Party, the inquiry may include a visit to its territory.]

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3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.

4. The State Party shall, within [three] [six] months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.

5. Such an inquiry would be conducted confidentially and the [consent and] cooperation of the State Party shall be sought at all stages of the proceedings.]

Article 11

[1. The Committee may at [any] [an appropriate] time invite a State Party concerned to discuss with it the measures which that State Party has taken in response to such an inquiry.

[2. The Committee may invite the State Party concerned to include in its report under article 18 of the Convention details of any measures taken in response to such an inquiry].]

Article 12

[1. States Parties to this Protocol undertake:

[(a) [not to hinder [in any way]] [to give full support to] [to cooperate in] the effective exercise of the right to communications established in this Protocol];

Alternative

[(a) not to hinder in any way the opportunities provided [individuals...] under this Protocol to submit communications or information to the Committee;]

* * *

[(b) to take all steps necessary [to prevent] [not to fail to protect] any [individual, [or] group [of individuals] [or organization] from interfering with the exercise of [the right of communication] [opportunities to submit communications] or from victimizing any individual for exercising this right or providing information to or [assisting] [cooperating with] the Committee in its inquiries;]

Alternative

[(b) to take all appropriate steps to protect those submitting communications or information to the Committee from interference or reprisal by any Party;]

* * *

[(c) to [assist] [give full cooperation to] [cooperate with] [to the extent that it concerns the State Party] the Committee in its proceedings under this Protocol].]

Article 13

The Committee shall include in its annual report under article 21 of the Convention a summary of its activities under this Protocol.

Article 14

[States Parties undertake [to publicize] [and] [to make widely known] [in their countries]:

[(a) [the contents of this Protocol and the procedures established under it;] [the principles and provisions of the Protocol by appropriate and active means];]

Alternative

[States Parties undertake to publicize and make as widely known as possible the contents of this Protocol and the procedures established under it.]

[(b) the Committee's views, [comments, suggestions] and recommendations concerning [the outcome of the consideration of] a communication [received] [or an inquiry conducted].]]

* * *

Alternative

[Each State Party undertakes to publicize the annual report of the Committee, particularly as it concerns a communication or an inquiry initiated by the Committee involving the particular State Party.]

Article 15

[The Committee shall develop its own rules of procedure to be followed when exercising the functions conferred on it by this Protocol.]

Article 16

[The Committee shall meet for such a period as is necessary [within its agenda] to carry out its function under this Protocol.]

Article 17

1. This Protocol shall be open for signature by any State which has signed, acceded to or ratified the Convention.

2. This Protocol shall be subject to ratification by any State which has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. This Protocol shall be open to accession by any State which has ratified or acceded to the Convention.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 18

1. This Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the [fifth] [tenth] [twentieth] instrument of ratification or accession.

2. For each State ratifying this Protocol or acceding to it after its entry into force, this Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

Article 19

[The provisions of this Protocol shall extend to [all parts of federal States and to all territories subject to] the jurisdiction of a State Party without any limitations or exceptions.]

Article 20

[No reservations to this Protocol shall be permitted.]

Alternative

[Reservations to this Protocol shall be permitted, unless such a reservation is incompatible with the object and purpose of the present Protocol and the Convention, in accordance with the rules of international law.]

Article 21

1. Any State Party to the present Protocol may propose any amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to this Protocol with a request that they notify her/him whether they favour a conference of States Parties for the purpose of considering and voting on the

proposal. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to this Protocol in accordance with their respective constitutional processes.

3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of this Protocol and any earlier amendments which they have accepted.

Article 22

1. Any State Party can denounce this Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.

2. Denunciations shall be without prejudice to the continued application of the provisions of this Protocol to any communication [or inquiry] before the effective date of denunciation.

Article 23

The Secretary-General of the United Nations shall inform all States of:

(a) Signatures, ratifications and accessions under this Protocol;

(b) The date of entry into force of this Protocol and the date of entry into force of any amendment under article 21 and any denunciations under article 22.

Article 24

1. This Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Protocol to all States referred to in article 25 of the Convention.